

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

Inventor(s): James P. Burnie et al.

Filed: January 25, 2002

Title: *TREATMENT AND DIAGNOSIS OF INFECTIONS OF GRAM POSITIVE COCCI*

**PRELIMINARY AMENDMENT**

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

Prior to prosecution on the merits, please amend this application as follows herein.

**IN THE SPECIFICATION**

Please insert the following headings and paragraph after the title of the application on page 1 of the specification:

**--Cross Reference to Related Applications**

This application is a divisional of U.S. Serial No. 09/214,307, filed January 4, 1999, which is a national phase application based on PCT/GB97/01830, filed July 7, 1997, and which further claims priority from British Application No. 9614274.0, filed July 6, 1996. These applications are incorporated herein by reference.--

**IN THE CLAIMS**

Kindly cancel claims 1-41 in favor of the following new claim 42:

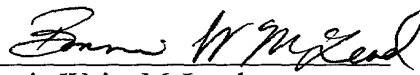
--42. A method of treatment of a human or animal patient having a bacterial infection, comprising treating said patient with an antibody or antibody binding fragment specific to an immunogenic fragment of an ABC transporter protein of said bacterium such that said bacterial infection is treated, wherein the bacterium is *E. faecium* and the immunogenic fragment has the sequence of SEQ ID NO: 6-8.--

REMARKS

The present amendment is entered in light of the restriction requirement set forth in parent application Serial No. 09/214,307, and serves to expedite to the prosecution stage the subject matter of interest. Favorable action on the merits is respectfully requested.

Respectfully submitted,

PILLSBURY WINTHROP LLP

By:   
Bonnie Weiss McLeod  
Registration No. 43,255

1600 Tysons Boulevard  
McLean, Virginia 22102  
(703) 905-2000  
(703) 905-2500 Facsimile

Date: January 25, 2002  
Attorney Reference: 050885/0290403